



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



August 30, 2002

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-30**

W. W. Cross, Inc.
39 Webster Street
Jaffrey, New Hampshire 03452

Mr. Alan Leach, President

**W. W. Cross, Inc.
Jaffrey, New Hampshire
EPA ID # NHD986468338**

Dear Mr. Leach:

On July 17, 2002, the Department of Environmental Services (DES) conducted an inspection of W. W. Cross, Inc. (W. W. Cross). The purpose of the inspection was to determine W. W. Cross' compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, DES confirmed that W. W. Cross had not performed a hazardous waste determination for the "tumbler waste" generated at the facility. DES also verified that the "tumbler waste" was stored in a dumpster and shipped off site for disposal by Waste Management, Inc. as a nonhazardous waste.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that W. W. Cross perform a hazardous waste determination for the "tumbler waste." Laboratory analysis should include, at a minimum, testing to detect the characteristic of corrosivity using methods described in Env-Wm 403.04, and for the

characteristic of toxicity (TCLP metals) using the method described in Env-Wm 403.06. All waste streams should be sampled at the point of generation, and results reported on an "as generated" basis. Please note that a representative sample is defined in Env-Wm 110.01(b)(107) as, "a sample of a universe or whole that can be expected to exhibit the average properties of the universe or the whole." W. W. Cross will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as MSDSs, to DES. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

2. Env-Wm 510.02(d) - Manifest Copy Distribution

At the time of the inspection, W. W. Cross had not submitted the five (5) hazardous waste manifests listed below to DES.

- 1) Manifest No. VT2125007, dated 2/28/00
- 2) Manifest No. VT2125477, dated 5/24/00
- 3) Manifest No. VT2124085, dated 8/17/00
- 4) Manifest No. VT2125898, dated 11/8/00
- 5) Manifest No. VT2120303, dated 1/31/01

Env-Wm 510.02 (d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requests that W. W. Cross submit copies of the above-listed manifests to DES, and properly retain and distribute manifest copies for future shipments of hazardous waste.

3. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, it was disclosed that a used oil determination had not been conducted for used oil generated from the maintenance of machines and equipment. DES inspectors observed the used oil stored in a 275-gallon above ground storage tank (tote).

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that W. W. Cross conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. W. W. Cross should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

4. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, two (2) containers of universal waste lamps, located in the electrical room, were not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requests that W. W. Cross ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

5. Env-Wm 1109.04 – Labeling/Marking of Batteries

At the time of the inspection, one (1) pile of universal waste batteries, located in the electrical room, was not marked with the words “Universal Waste – Battery(ies)”, “Waste Battery(ies)”, or “Used Battery(ies).”

Env-Wm 1109.04 requires universal waste handlers to ensure all universal waste batteries or container(s) holding universal waste batteries to be clearly labeled or marked with any of the following: “Universal Waste – Battery(ies)”, “Waste Battery(ies)”, or “Used Battery(ies).”

DES requests that W. W. Cross clearly label or mark all universal waste batteries or container(s) holding universal waste batteries with any of the following: “Universal Waste – Battery(ies)”, “Waste Battery(ies)”, or “Used Battery(ies).” Enclosed please find the DES Environmental Fact Sheet #WMD-HW-18 “Universal Waste Batteries: Management Requirements for Handlers and Transporters.”

6. Env-Wm 112.03(a) – Universal Waste Lamp Management

At the time of the inspection, two (2) piles of universal waste lamps, located in the electrical room, were not stored in containers.

Env-Wm 112.03(a) requires that intact and broken lamps shall be stored in container(s) that meet the requirements of Env-Wm 1102.03(c).

DES requests that W. W. Cross ensure that all universal waste lamps are stored in containers that are closed; compatible with the universal waste and its contents; and free of defects, design characteristics, or damage. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7 “Universal Waste Lamps: Management Requirements for Handlers and Transporters.”

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by W. W. Cross can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against W. W. Cross, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.


It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New

Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Thank you for your cooperation.

Sincerely,


COPY
Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

CERTIFIED MAIL RRR# 70993400000297731304

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit
Calvin Cobb, Production Manager, W. W. Cross
David Allison, Purchasing and Sales Manager, W. W. Cross

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
NHDES List of "Laboratories that test hazardous waste"
Summary of Requirements for Management of Used Oil Being Recycled
NHDES List of "Laboratories that perform used oil analysis"
NHDES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management..."
NHDES Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries: Management..."